

Zoom Information:
877 853 5247 (Toll Free)
Webinar ID:
830 2362 6739
Participant ID: 339252

AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

**February 15, 2022
7:00 PM**

STATEMENT OF ADEQUATE NOTICE

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times and Star Ledger and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

FLAG SALUTE

ROLL CALL Conry, Cox, Heinrich, Noone, Norris and Ron

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

Jessica Szczepanik, Regional Coalition & Project Coordinator, Family Guidance Center of Warren County: Discussion-Tobacco Free-For a Healthy New Jersey "Breathe Easy" signage.

MINUTES

Correct Minutes from 11/20/20 (correcting footer date to 11/20/20)

NEW BUSINESS

- 2 West Washington, LLC approving redeveloper's agreement.
- Discussion of purchase of file sharing software license

OLD BUSINESS

Planet Network

Agenda-Continued

RESOLUTIONS

RESOLUTION 2022-29

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-32

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-33

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-34

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-35

RESOLUTION OF THE BOROUGH OF WASHINGTON
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY
PLANET NETWORKS, INC

VOUCHERS

REPORTS

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-if needed

ADJOURNMENT _____ P.M.

RESOLUTION 2022-31

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to MSC HOLDINGS NJ LLC, 360 STROTZ ROAD, ASBURY, NJ 08802, in the amount of \$10,822.39 for taxes or other municipal liens assessed for the year 2016 in the name of P SERELIS CORP as supposed owners, and in said assessment and sale were described as 93 ROUTE 31 NORTH, Block 37 Lot 4, which sale was evidenced by Certificate #17-00013 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1/31/2022 and before the right to redeem was cut off, as provided by law, Sharon Hoyt claiming to have an interest in said lands, did redeem said lands claimed by MSC HOLDINGS NJ LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$121,572.62 which is the amount necessary to redeem Tax Sale Certificate #17-00013.

NOW THEREFORE BE IT RESOLVED, on this 15th day of February, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to MSC HOLDINGS NJ LLC, 360 STROTZ ROAD, ASBURY, NJ 08802 in the amount of **\$121,572.62** (This consists of \$121,572.62 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 37 Lot 4 from the tax office records.

RESOLUTION 2022-32

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to US BANK CUST/PC8 FIRSTRUST BK, GLOBAL CORP TRST SVS TLSG, 50 SO. 16TH ST SUITE 2050, PHILADELPHIA, PA 19102, in the amount of \$335.85 for taxes or other municipal liens assessed for the year 2019 in the name of GRACE, JOSHUA S. as supposed owners, and in said assessment and sale were described as 12 SUNRISE TERRACE, Block 44 Lot 46, which sale was evidenced by Certificate #20-00026 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1/31/2022 and before the right to redeem was cut off, as provided by law, NAVY FEDERAL CREDIT UNION claiming to have an interest in said lands, did redeem said lands claimed by US BANK CUST/PC8 FIRSTRUST BK by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1786.70 which is the amount necessary to redeem Tax Sale Certificate #20-00026.

NOW THEREFORE BE IT RESOLVED, on this 15th day of February, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US BANK CUST/PC8 FIRSTRUST BK, GLOBAL CORP TRST SVS TLSG, 50 SO. 16TH ST SUITE 2050, PHILADELPHIA, PA 19102 in the amount of **\$2,886.70** (This consists of \$1,786.70 Certificate Amount redeemed + \$1,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 46 from the tax office records.

RESOLUTION 2022-33
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$4,627.46 for taxes or other municipal liens assessed for the year 2017 in the name of SNJ RENTALS, LLC as supposed owner, and in said assessment and sale were described as 5-7 E WASHINGTON AVE, Block 94.01 Lot 2, which sale was evidenced by Certificate #18-00024 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2/4/2022 and before the right to redeem was cut off, as provided by law, SNJ RENTALS, LLC claiming to have an interest in said lands, did redeem said lands claimed by BALA PARTNERS LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$81,820.39 which is the amount necessary to redeem Tax Sale Certificate #18-00024.

NOW THEREFORE BE IT RESOLVED, on this 15th day of February, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$81,820.39** (This consists of \$81,820.39 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94.01 Lot 2 from the tax office records.

RESOLUTION 2022-34
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$2,149.86 for taxes or other municipal liens assessed for the year 2017 in the name of SNJ RENTALS, LLC as supposed owner, and in said assessment and sale were described as 1-3 E WASHINGTON AVE, Block 94.01 Lot 1, which sale was evidenced by Certificate #18-00023 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2/4/2022 and before the right to redeem was cut off, as provided by law, SNJ RENTALS, LLC claiming to have an interest in said lands, did redeem said lands claimed by BALA PARTNERS LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$37,147.18 which is the amount necessary to redeem Tax Sale Certificate #18-00023.

NOW THEREFORE BE IT RESOLVED, on this 15th day of February, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$37,147.18** (This consists of \$37,147.18 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94.01 Lot 1 from the tax office records.

**RESOLUTION 2022-35
RESOLUTION OF THE BOROUGH OF WASHINGTON
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY
PLANET NETWORKS, INC.**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of '-another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the Borough Manager is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.